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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,316	11/17/2003	Xiaochun Nie	APLE.P0036	5248
62224	7590	12/01/2010	EXAMINER	
ADELI & TOLLEN, LLP			WERNER, DAVID N	
11940 San Vicente Blvd., Suite 100				
LOS ANGELES, CA 90049			ART UNIT	PAPER NUMBER
			2483	
			MAIL DATE	DELIVERY MODE
			12/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/716,316	NIE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID N. WERNER	2483	

**All Participants:**

(1) David N. Werner.

**Status of Application:** Response to Non-Final  
Rejection before examiner.

(3) \_\_\_\_\_.

(2) Ali Makoui.

(4) \_\_\_\_\_.

**Date of Interview:** 30 November 2010

**Time:** 1 PM

**Type of Interview:**

- Telephonic  
 Video Conference  
 Personal (Copy given to:  Applicant     Applicant's representative)

Exhibit Shown or Demonstrated:  Yes     No

If Yes, provide a brief description: .

**Part I.**

Rejection(s) discussed:

*Rejection of Claim 1*

Claims discussed:

1, 28-34

Prior art documents discussed:

*U.S. Patent 5,801,779 A ("Uz"); "Two-pass MPEG-2 variable-bit-rate encoding", 43 IBM J. of Res. & Dev. 471 (July 1999).  
(IDS filed 18 August 2010 fully considered by examiner)*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

**Part III.**

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Joseph G Ustaris/  
Supervisory Patent Examiner, Art Unit 2483  
/D. N. W./  
Examiner, Art Unit 2483

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: As a majority of the claims are ready for allowance subject to negotiation of final claim language, Applicant agreed to cancel claims 28-34, directed to subject matter that has been amended to become patentably distinct during prosecution but requiring additional examiner search and consideration, and re-file as a continuation.

The rejection of Claim 1 was discussed. The specification, but not the claims, shows a clear distinction between the prior art "panic level" of the Uz reference or "buffer alarm" in the specification, with the claimed relaxation level, which may be set, for example, manually by a user or based on predicted encoded frame size of the next frame to be encoded. Applicant agreed to file a supplementary amendment highlighting this difference, which would place all remaining claims in condition for allowability. The NPL reference cited supra was discussed as relevant to the claimed invention, but not as a prior art reference that defeats patentability.